

1645

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of  
Serial No.   
Filed: March 2, 1995

Pradier et al.  
08/716,209  
U.S. National Stage of PCT/FR95/00250

Group Art Unit: 1645  
Examiner: S. Gucker

For: Recombinant Adenoviruses Coding For Brain-Derived Neurotrophic Factor (BDNF)

To: Assistant Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**

OCT 07 1998

CERTIFICATE OF MAILING (37 CFR § 1.8a)

TECH CENTER 1600/2900

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: September 29, 1999

Paula L. Dickey  
(Type or print name of person mailing paper)

  
(Signature of person mailing paper)

**SUPPLEMENTAL REPLY UNDER 37 C.F.R. § 1.115**

This responds to the Office Action mailed February 11, 1999. Applicants mailed a timely reply and amendment to the Office Action on August 11, 1999.

**REMARKS**

In the Office Action mailed February 11, 1999, the Examiner objected to the previously submitted Declaration (filed October 9, 1996), as not complying with the requirements of 37 C.F.R. § 1.63(c). The Examiner stated on page 1 of the Office Action that Applicants' Declaration does not acknowledge the filing of any foreign application.

In Applicants' reply and amendment, mailed August 11, 1999, Applicants respectfully referred the Examiner to page 1 of the originally submitted Declaration (mailed October 9, 1996), wherein Applicants properly claimed foreign priority pursuant to 37 C.F.R. § 1.55. Applicants submit that the originally submitted

Declaration clearly identified foreign application FR94/03191, which was filed in France on March 18, 1994 and to which foreign priority under 35 U.S.C. § 119 is claimed.

Applicants submit herewith a newly executed Declaration that identifies additional applications to which Applicants claim priority under 35 U.S.C. §§ 119, 120, and 365.

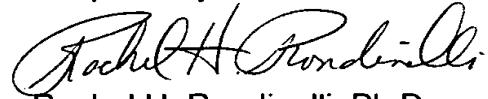
### CONCLUSION

Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and an action passing this case to issue are therefore requested respectfully. If a telephone interview would be of assistance in advancing prosecution of this application, Applicants invite the Examiner to contact their attorney, Ross J. Oehler, at (610) 454-3883.

Rhône-Poulenc Rorer Inc.  
Legal-Patents #3C43  
P.O. Box 5093  
Collegeville, PA 19426-0997  
Telephone: (610) 454-3178  
Facsimile: (610) 454-3808

Dated: 9/29/99

Respectfully submitted,

  
Rachel H. Rondinelli, Ph.D.  
Provisional Reg. No. P-45,052